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REMARKS

Claims 1- 20 are currently pending in the present application. Claims 1-20 stand rejected. Reconsideration of claims 1-20 is requested in light of the following remarks.

Claim Objections

The Examiner objected to claim 1 because of informalities. The Examiner found that the recitation of "for storing" constitutes intended use, that never actually takes place, therefore rendering any recitation claimed after without patentable weight. Claim 1 has been amended to remove the recitation of "for storing." Further, the Examiner found the operator "or" in very last sentence of claim 1, which recites "input not the data entry or generated by the data entry system," to be improper. The operator connecting those two recitations has been amended to "and," as suggested by the Examiner. Applicants respectfully note that the amendments made to claim 1 overcome the objections thereto.

Rejections Under 35 USC § 112

Claim 12 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner states that claim 12's preamble calls for "determining a disposition" without setting any steps in the body of the claim related to the determination." The Examiner argues there is no nexus between the intended use of the preamble and the body of the claim.

Applicants respectfully submit amended claim 12 demonstrates a nexus between the intended use of the preamble and the body of the claim.

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Rejections Under 35 USC § 103

Claims 1, 3-5, 8-12, 14, 16-17, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbs (U.S. Pat. No. 5, 836,529) in view of Abel-Malek et al. (U.S. Pub. No. 2005/0171661 A1).

Claim 1

Claim 1 is directed to a method for inspecting rail equipment and storing information relating to the inspection. Among other limitations, claim 1 requires providing rail equipment having a plurality of parts and inspecting the rail equipment to determine a damage condition of each of the parts of the rail equipment. In addition, claim 1 requires providing a data entry system comprising a plurality of fields, querying a user of the data entry system for information relating to the damage condition of each of the parts of the rail equipment, entering the damage condition of each of the parts of the rail equipment into the plurality of fields, and generating at least one report showing an overall damage condition of the rail equipment that is calculated from the information input into the data entry system. Moreover, claim 1 requires providing a plurality of dispositions for the rail equipment wherein at least one of the dispositions comprises dispatching a mobile repair unit to repair the rail equipment, and automatically assigning, via the data entry system, one of the plurality of dispositions to the rail equipment based on the overall damage condition of the rail equipment.

Applicants have amended claim 1 to further clarify the mobile repair unit in the claims. A mobile repair unit ("MRU") is a term of art known by those with ordinary skill in the art within the rail service industry. Generally speaking, a MRU may be a truck or trailer adapted for travel along railroad tracks for servicing equipment located on the tracks. MRUs are fully

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equipped to provide mechanical services to damaged or disabled equipment. An MRU travels to the damaged equipment and performs the necessary work on-site, thus reducing the total cost of maintenance, for example, by eliminating freight, switching, shop cycle time and increasing asset availability.

Neither Gibbs, nor Abdel-Malek provide any disclosure, teaching or suggestion that would render obvious Applicants's claim 1. At most, Gibbs describes a system for tracking the performance status of railcars as they relate to the efficient operation of a transportation network. (col. 2, lines 37-50) As the Examiner correctly noted, Gibbs does not provide "a plurality of dispositions, wherein at least one of the dispositions comprises repairing the rail equipment using a mobile repair system for the rail equipment." Office Action p. 4-5. This deficiency is not cured by Abdel-Malek.

The invention of Abdel-Malek is a portable unit that can be taken by a technician to a remote site, wherein the portable unit is linked to a centrally-located monitoring and diagnostic service center. Thereby, the technician has access to information regarding the repair of the equipment while on site and may also transmit information back to the service center. However, the portable unit is not an MRU, it does not include the tool and materials necessary to repair equipment. *See, e.g.,* Fig. 4. Nor does Abdel-Malek provide any teaching of employing an MRU or selecting between repairs being made at a service center or on-site by an MRU. Further, Abdel-Malek does not disclose a system that automatically assigns one of a plurality of dispositions; in fact, in Abdel-Malek the decision of how to repair the rail equipment has already been made.

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Contrary to the Examiner's assertions and arguments, neither Gibbs, Abdel-Malek, nor any other cited reference, teaches the steps defined in independent claim 1. Specifically, neither Gibbs nor Abdel-Malek discloses a system that automatically assigns one of a plurality of dispositions to the rail equipment based on the overall damage of the rail equipment. Furthermore, neither Gibbs nor Abdel-Malek even mention that one of the plurality of dispositions comprises dispatching an MRU to repair the rail equipment.

Claims 2 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbs in view of Abdel-Malek et al., and further in view of Jarrett (U.S. Pat. No. 6,345,257 B1). As argued above, *inter alia*, neither Gibbs nor Abdel-Malek discloses a determination from among a plurality of dispositions, one of the dispositions including dispatching an MRU to repair the rail equipment. Contrary to Examiner's assertions and arguments, Jarrett does not remedy this deficiency. Examiner argues Jarrett teaches reports comprising information related to whether the rail equipment is repairable by a mobile repair unit or whether the rail equipment must be shopped, citing Jarrett col. 1, lines 46-67 and the abstract. Office Action p. 13. Applicants respectfully note that Jarrett, while referencing mechanics and making repairs to rail equipment, makes absolutely no references to making a determination from among a plurality of dispositions, one of the dispositions including dispatching an MRU to repair the rail equipment. (col. 7, line 10).

As a result, Applicants respectfully submit that Claim 1 is patentable over Gibbs in view of Abdel-Malek. Additionally, claims 2-11 depend on claim 1, and include all of its limitations. Therefore, Applicants respectfully submit that claims 2-11 are also patentable over Gibbs in view of Abdel-Malek, and further in view of Jarrett.

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Claim 12

Similarly, Applicants respectfully submit that claim 12 is patentable over Gibbs. Claim 12 is directed to a data entry system for the entry of information relating to the inspection of rail equipment having a plurality of parts, processing said information for determining a disposition for the rail equipment, and generating reports related thereto. Among other limitations, claim 12 requires "means for automatically determining and assigning a disposition from a plurality of dispositions based on the overall damage condition of the rail equipment wherein at least one of the plurality of dispositions comprises dispatching a mobile repair unit to repair damage to the rail equipment."

As for claim 1, analyzed in detail above, neither Gibbs, Abdel-Malek, nor any other cited prior art discloses the elements recited in amended independent claim 12. As the Examiner correctly noted, Gibbs does not show a means for automatically assigning a disposition from a plurality of dispositions, wherein at least one of the dispositions comprises repairing the rail equipment using a mobile repair system. Office action p. 9. The Examiner argues that Abdel-Malek teaches means for assigning a disposition from a plurality of dispositions wherein at least one of the dispositions comprises repairing the rail equipment using a mobile repair system. As argued above with respect to claim 1, Abdel-Malek fails to disclose, teach or suggest this claim element. Therefore, the combination of Gibbs and Abdel-Malek cannot render obvious independent claim 12.

Claims 13, 14, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbs in view of Abdel-Malek et al., and further in view of Jarrett (U.S. Pat. No. 6,345,257 B1). As argued above, *inter alia*, neither Gibbs nor Abdel-Malek discloses a determination from among a plurality of dispositions, one of the dispositions including dispatching an MRU to repair

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Applicants therefore respectfully submit that Claim 12 is patentable over Gibbs in view of Abdel-Malek. Additionally, claims 13-20 depend on claim 12, and include all of its limitations. Therefore, Applicants respectfully submit that claims 13-20 are also patentable over Gibbs in view of Abdel-Malek, and further in view of Jarrett.

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**CONCLUSION**

In light of the Amendments and Remarks herein, Applicants submit that the claims are in condition for allowance and respectfully request a notice to this effect. Should the Examiner have any questions, he is invited to call the undersigned attorney. Reconsideration and reexamination of the pending claims is requested. If for any reason the Examiner is unable to allow the application and feels that an interview would be helpful to resolve any remaining issues, the Examiner is respectfully requested to contact the undersigned attorney at (312) 372-2000.

Respectfully submitted,

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